

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 11582 of 2007(D)

PETITIONERS:

- 1. LISSY K.V., ASSISTANT ENGINEER,
ELECTRICAL,(TEMPORARY), GENERATION SUB DIVISION
(SHIFT), MOOLAMATTOM, IDUKKI.**
- 2. S.BINDU, ASSISTANT ENGINEER,
ELECTRICAL,(TEMPORARY), GENERATION SUB DIVISION,
MOOLAMATTOM, IDUKKI.**
- 3. A.RAHIYANATHU BEEVI, ASSISTANT ENGINEER,
ELECTRICAL,(TEMPORARY), OFFICE OF THE CHIEF
ENGINEER(GENERATION)MOOLAMATTOM, IDUKKI.**
- 4. JAYASREE B.K., ASSISTANT ENGINEER,
ELECTRICAL,(TEMPORARY), GENERATION SUB DIVISION,
MOOLAMATTOM, IDUKKI.**
- 5. P.M.SWOPNA, ASSISTANT ENGINEER,
ELECTRICAL,(TEMPORARY), KOZHIKODE DIESEL POWER
PROJECT, K.S.E.B., NALLALAM, CALICUT-27.**
- 6. SURESH KUMAR.S, ASSISTANT ENGINEER,
ELECTRICAL,(TEMPORARY), GENERATION MAINTENANCE
SUB DIVISION, MALANKARA.**

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVANAM, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM.**

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**2. CHIEF ENGINEER(HRM),
KERALA STATE ELECTRICITY BOARD,
THIRUVANANTHAPURAM.**

**BY ADV. SRI.K.S.ANIL, SC, KSEB
SRI. ASOK M.CHERIYAN, SC, KSEB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER EB1/(A)/AE(ELE.)/158/2004 DT. 15/6/2004.

EXT.P2. COPY OF THE ORDER B.O.(FB) NO. 927/2004(LAS 1/15882/2003) DATED 15/4/2004.

EXT.P3. COPY OF THE JUDGMENT OF THIS COURT IN WPC NO. 22628/2003.

EXT.P4. COPY OF THE JUDGMENT OF THIS COURT IN WA NO. 2564/05.

EXT.P5. COPY OF THE JUDGMENT OF THIS COURT IN WPC NO. 33726/05.

EXT.P6. COPY OF THE ORDER IN RP NO. 847/2006 IN WA NO. 2564/2005.

EXT.P7. COPY OF THE APPLICATION BY THE P1 SEEKING FOR TRANSFERTO THRISSUR DISTRICT.

EXT.P8. COPY OF THE APPLICATION SUBMITTED BY THE P2 SEEKING FOR TRANSFER TO THIRUVANANTHAPURAM DIST.

EXT.P9. COPY OF THE APPLICATION SUBMITTED BY THE P3 SEEKING FOR TRANSFER TO KOLLAM DIST.

EXT.P10. COPY OF THE APPLICATION BY P4 SEEKING FOR TRANSFER TO KOLLAM DIST.

EXT.P11. COPY OF THE APPLICATION BY THE P5 SEEKING FOR TRANSFER TO ERNAKULAM DIST.

EXT.P12. COPY OF THE APPLICATION SUBMITTED BY P6 SEEKING FOR TRANSFER TO THIRUVANANTHAPURAM DIST.

EXT.P13. COPY OF THE REPRESENTATION DT. 1/1/07 BY P5 BEFORE THE R2.

EXT.P14. COPY OF THE CERTIFICATE DT. 30/12/2006 CERTIFYING THAT THE P5'S DAUGHTER IS UNDERGOING TREATMENT FOR FEBRILE CONVULSIONS.

EXT.P15. COPY OF THE LETTER NO. KBPP/EB1/T&P/2006-07 OF THE PROJECT MANAGER, KOZHIKODE DIESEL POWER PROJECT.

EXT.P16. COPY OF THE ORDER DO NO. PS.1/490/88/PG DT. 13/5/88.

EXT.P17. COPY OF THE ORDER NO.. EB1/(A)/0172/AE(ELE.0/2006 DT. 20/6/06.

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EXT.P18. COPY OF THE ORDER NO. EB1/A/0172/AE(ELE.)/2006 DT. 31/7/2007.

EXT.P19. COPY OF THE ORDER NO. EB1(0172)/AE/ELE.)/2007 DT. 28/4/2007.

EXT.P20. COPY OF THE SHIFT DUTY STATEMENT OF THE OPERATORS AT 110 KV SUB STATION, ARUVIKKARA PERTAINING TO MARCH 2007.

EXT.P21. COPY OF THE JUDGMENT OF THIS COURT IN WPC NO. 33726/05.

EXT.P22. COPY OF THE ORDER NO. EB1A/AE/ELE/0172/2007 DT. 28/5/07 OF THE R2.

EXT.P23. COPY OF THE LIST PUBLISHED BY THE RESPONDENTS IN THE JUNE, 2007 ISSUE OF THE KERALA POWR MAGAZINE, CONTAINING THE NAMES OF SUB ENGINEERS WHO ARE BEING CONSIDERED FOR PROMOTION TO THE POST OF ASST. ENGINEER(ELECTRICAL) FROM THE ITI AND DIPLOMA QUOTA.

EXT.P24. COPY OF THE ORDER NO. EB1/2/AE/TQ/05-06/3641 DT. 8/8/05.

EXT.P25. COPY OF THE APPLICATION DT. 26/4/2007 BY THE FATHER OF THE P5 BEFORE THE R2.

EXT.P26. COPY OF THE LETTER DT. 5/6/07 OF THE PUBLIC INFORMATION OFFICER.

EXT.P27. COPY OF THE LETTER NO. R1A/APPEAL/NO. 74/06-07 DT. 30/6/07.

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K.BALAKRISHNAN NAIR,J.

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Judgment

The petitioners are provisional promotees to the post of Assistant Engineer. They are holding the substantive post of Sub Engineer under the Electricity Board. They are presently working in different Generation Divisions. Their grievance is that they are not being considered for transfer to other stations on the ground that they are provisional promotees.

2. The claim of the petitioners for regularisation has been upheld by the Division Bench of this Court by Ext.P21 Judgment. In view of the said development, the learned Standing Counsel for the Electricity Board submitted on behalf of the respondents that the petitioners' claim for transfer in the light of the representations filed by them showing the choice stations, shall also be considered in accordance with the norms governing transfer. This submission is recorded. The competent authority among the respondents shall consider the claim of the petitioners for transfer in accordance with the transfer norms within one month from the date of receipt of a copy of this Judgment. The petitioners, if so advised, may file additional representations also indicating any change in their choice stations, while producing a copy of this Judgment before the respondents.

The Writ Petition is disposed of as above.

26.07.2007

K.BALAKRISHNAN NAIR,JUDGE

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